

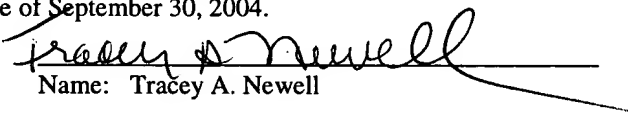


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yoshitaka YOKOYAMA :
Patent No.: 6,788,717 : Art Unit: 2815
Issued September 7, 2004 : Examiner: Nguyen, Joseph H.
For: WAVELENGTH STABILIZED : Atty. Docket: NIM-01301
LASER MODULE

Certificate of Mailing

I hereby certify that the foregoing documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date of September 30, 2004.


Name: Tracey A. Newell

SUBMISSION UNDER 37 C.F.R. § 501

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants and/or their attorney in accordance with of 37 C.F.R. § 501. Copies of the documents are also being submitted.

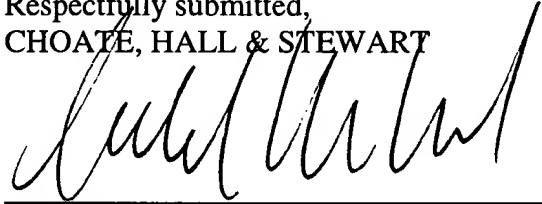
The references submitted herewith were cited by the Japanese Patent Office in an August 24, 2004 Office Action (copy enclosed with partial English translation) for a counterpart application. We also enclose an English language abstracts for References AN and AO. In addition, we enclose additional comments on the references.

In compliance with the requirements of 37 C.F.R. §1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 35 U.S.C. §1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a translation of portions of an official action by a foreign examiner in which the references were cited. A copy of the official action is enclosed. The relevance to the pending U.S. patent application is that the references were cited in a foreign patent application corresponding to the above-captioned U.S. patent application. However, no independent analysis of the references, the accuracy of the statement of the foreign examiner or the claims of the foreign application

under the laws of that country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the translation of the foreign examiner's comments submitted herewith.

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 248-4038.

Respectfully submitted,
CHOATE, HALL & STEWART

A handwritten signature in black ink, appearing to read 'Donald W. Muirhead', is written over a horizontal line.

Donald W. Muirhead
Registration No. 33,978

September 30, 2004

Date

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Complete if Known		
			Patent Number	6,788,717	
			Issued	September 7, 2004	
			First Named Inventor	Yoshitaka YOKOYAMA	
			Art Unit	2815	
Examiner Name	NGUYEN, Joseph H.				
Sheet	1	of	1	Attorney Docket Number	NIM-01301

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US-			
	AB	US-			
	AC	US-			
	AD	US-			
	AE	US-			
	AF	US-			
	AG	US-			
	AH	US-			
	AI	US-			
	AJ	US-			
	AK	US-			
	AL	US-			

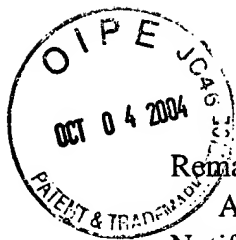
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ - Kind Code ⁵ (if known)				
	AM	58-12831	07-20-1981	Japan		<input type="checkbox"/>
	AN	60-117695	06-25-1985	Japan		English Abstract
	AO	62-119993	06-01-1987	Japan		English Abstract
	AP					<input type="checkbox"/>
	AQ					<input type="checkbox"/>

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Remarks:

As is indicated in Cited Reference 6 [which is cited] in the Notification of Reasons for Rejection, the positional relationship between the filter and light-receiving elements is recognized as [something that falls] within the range of design matters for a person skilled in the art. In Cited Reference 6, furthermore, the disposition of such parts (including optical elements such as lenses) is clearly and concretely shown in Figure 4. Therefore, it is recognized that a person skilled in the art could recognize the positional relationship between the filter and light-receiving elements from this disposition. Moreover, a description regarding the positional relationship between the filter and light-receiving elements can also be recognized in a microfilm of Japanese Utility Model Application No. S56-106690 (although it is unclear whether light is made parallel).

→ Japanese Utility Model
Application Kokai No.
S58-12831

拒絶査定

特許出願の番号	特願2000-067606
起案日	平成16年 8月16日
特許庁審査官	道祖土 新吾 9814 2K00
発明の名称	波長安定化レーザモジュール
特許出願人	日本電気株式会社
代理人	高橋 詔男 (外 3名)

この出願については、平成16年 2月10日付け拒絶理由通知書に記載した理由2によって、拒絶をすべきものである。

なお、意見書及び手続補正書の内容を検討したが、拒絶理由を覆すに足りる根拠が見いだせない。

備考

フィルタ、受光素子の位置関係については、拒絶理由通知の引用文献6に示されるとおり、当業者の設計事項の範囲内であると認められる。なお引用文献6では、レンズなどの光学素子まで含めて、具体的に第4図にその配置が明記されているので、この配置から、当業者がフィルタ、受光素子の位置関係を認識することができるものと認められる。またその他、実願昭56-106690号のマイクローフィルムにも（平行光としているか否かは不明であるものの）、フィルタと受光素子の位置関係について記載が認められる。

実開昭58-12831

上記はファイルに記録されている事項と相違ないことを認証する。

認証日 平成16年 8月17日 経済産業事務官 高瀬 清士

OUR COMMENTS ON REFERENCES

(1) Concerning a brief explanation of relevancy of the present invention to the teachings of the cited references, it is our client's desire to substitute it with the comments of the Examiner indicated in the Final Office Action.

(2) Japanese Patent Application Laid-open No. Sho 60-117695 (Document 1):

A device of Document 1 does not have a means for collecting a beam emitted from L D (Semiconductor Laser Device).

Therefore, in the device of Document 1, since the emitted beam is not collimated, it is impossible to achieve a high accuracy in wavelength of the emitted beam.

In contrast, a device of the present invention has a means for collecting a beam emitted from LD. Therefore, the present invention is capable of controlling wavelength at a high accuracy, as required for a high-density WDM (Wavelength Division Multiplexing) communication.

(3) Japanese Patent Application Laid-open No. Sho 62-119993 (Document 2):

A device of Document 2, as shown in Fig. 6, has two pieces of lenses to obtain two parallel light paths branched off each other, whereas the device of the present invention has a single lens to obtain a single parallel luminous flux.